

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, et al.,

Defendants.

Civil Action No: 21-cv-719-F

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE OVERSIZED BRIEF**

Pursuant to Local Rules 7.1(e) and (k), Plaintiffs the State of Oklahoma, Kevin Stitt, in his official capacity as Governor of Oklahoma, Oklahoma Department of Mines, and Oklahoma Conservation Commission (together, "Plaintiffs") respectfully request leave to file an oversized brief, not to exceed forty (40) pages, in support of Plaintiffs' forthcoming motion for preliminary injunction. In support of this Motion, Plaintiffs state as follows:

1. On July 16, 2021, Plaintiffs filed the Complaint in this case, asserting multiple claims under the Administrative Procedures Act, 5 U.S.C. §§ 553, 701–706, the Surface Mining Control and Reclamation Act, 30 U.S.C. § 1276(a)(1), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202. In the Prayer for Relief, among other things, Plaintiffs seek a preliminary and permanent injunction.

2. For several weeks, counsel for Plaintiffs and counsel for Defendants attempted to reach an agreement to maintain a status quo that would be satisfactory to all

parties while this litigation was pending in order to avoid the necessity of litigating a motion for a preliminary injunction. It has now become clear that such an agreement is not possible.

3. Accordingly, Plaintiffs intend to file a motion for preliminary injunction and brief in support on or after August 23, 2021.

4. Pursuant to LCvR7.1(e), Plaintiffs' motion for preliminary injunction and brief in support shall not exceed twenty-five (25) pages in length "without leave of court."

5. This case presents multiple, highly complex legal issues, including issues of first impression. These legal issues have monumental implications for the sovereignty of the State of Oklahoma, the future of surface mining and reclamation regulation in the State, the public welfare, and the environment.

6. The requested additional pages are necessary to permit Plaintiffs adequate space to present the issues and fully brief Plaintiffs' arguments in support of a motion for preliminary injunction.

7. Around noon on August 20, 2021, counsel for Plaintiffs contacted counsel for Defendants to obtain Defendants' position on this motion. Defendants had not yet responded by the time of this filing regarding their position on the requested relief.

8. Plaintiffs will submit a proposed order consistent with this Motion.

WHEREFORE, Plaintiffs respectfully request leave to file an oversized motion for preliminary injunction and brief in support, not to exceed forty (40) pages.

Dated August 20, 2021

Respectfully submitted,

s/ Mithun Mansinghani

Mithun Mansinghani

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